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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
D'AGOSTINO, PAUL ANTHONY	
ART UNIT	**PAPER NUMBER**
3714	
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03/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/519,310	POH ET AL.	
	Examiner	Art Unit	
	Paul A. D'Agostino	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 December 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *20-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *20-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 February 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This responds to Applicant's Arguments/Remarks filed 12/02/2008. Claims 1-19 stand cancelled. Claims 20-38 are now pending in this application.

Response to Arguments

1. Applicant's arguments, see Applicant's Arguments/Remarks pages 6 to 16, filed 12/2/2008, with respect to the rejection(s) of claim(s) 20-38 under 35 U.S.C. § 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent Pub. No. 2004/0053661 to Jones et al. (Jones), U.S. Patent Pub. No. 2002/0119813 to Colin et al. (Colin), U.S. Patent No. 5,463,725 to Henckel et al. (Henckel), U.S. Patent No. 4,860,217 to Sasaki et al. (Sasaki), U.S. Patent Pub. No. 2002/0097229 to Rose et al. (Rose), and U.S. Patent Pub. No. 2005/0164789 to Nakamura et al. (Nakamura).

2. Given the new grounds of rejection, the finality of the prior Office Action is also withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 20, 23-24, and 30-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Colin and Henckel.

In Reference to Claims 20 and 36

Jones discloses a virtual card gaming system (Fig. 1A) and method (Fig. 3) comprising:

a processing unit (Fig. 2 "processor" 38 and [0031]);

a plurality of player screens connected to the processing unit (Fig. 2 "display devices" 30, 32);

{a computer readable storage medium having stored thereon code means for instructing a computer to execute a method for conducting a virtual card game, the method comprising displaying playing cards on a plurality of player screens each comprising a touch sensor unit associated therewith, and graphically manipulating the displayed cards in response to continuous touch movements detected through touch sensor units} ("The memory device 40" ... "program code" [0031]); and

a touch sensing unit associated with each player screen (Fig. 2 "touch screen controller" 52 and "touch screen" 50 and [0032]), wherein playing cards displayed on the player screens are adapted for graphical manipulation in response to continuous touch movements detected through the touch sensing units ("The display device displays a functional game element, such as a wheel, a reel, a card or set of cards .....The player actuates the functional game element or the mechanical functional element through the use of the touch screen" [0037-0040]).

However, Jones is not explicit as to manipulating cards in the facedown position.

Colin explicitly teaches of a game of Blackjack wherein cards are depicted in the facedown position and to at least partially reveal the playing cards from a face down representation via use of a touch screen (Figs. 4 and 5 and also[0018, 0031-0033]) in order to draw the user further into the excitement of the game of chance [0035}.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the card game and reveal as taught by Colin into the

teachings of Jones in order to draw the user further into the excitement of the game of chance.

However, Jones as modified by Colin is silent as to manipulation comprising a three- dimensional (3-D) representation of the cards so as to at least partially reveal the playing cards from a face down representation.

Henckel teaches of emulating and manipulating printed material depicted as 3-D images (Fig. 4) using a touch sensitive device (Col. 2 Lines 15-20) wherein "The user then drags his hand to the left, across the face of the display device 10, and a graphic of a turing page 28 moves with it. Thus, as the user 'swipes' his hand from right to left across the surface of the display screen 10 a graphical depiction of a page turning is shown" (Col. 2 Lines 58-62. Henckel employs this system and method to provide an interface for displaying information which is usable in an intuitive manner by an unknowledgeable user for books and magazines as well as games (Col. 1 Lines 42-46 and Col. 5 Lines 5-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the 3-D representation and reveal as taught by Henckel into the teachings of Jones as modified by Colin to provide an interface for displaying information which is usable in an intuitive manner by an unknowledgeable user for books and magazines as well as games (Col. 1 Lines 42-46 and Col. 5 Lines 5-24).

In Reference to Claims 23-24

Jones as modified by Colin and Henckel discloses wherein each player screen is

divided into a set of functional areas, and the processor processes touches detected through the touch sensor units based on the functional area in which the touch was detected (the display device displays functional elements e.g., a set of cards actuated by a player using the touch screen [0037]) and wherein the set of functional areas comprises a playing cards area ([0037]).

In Reference to Claims 30-35

Jones as modified by Colin and Henckel discloses wherein the system further comprises a sound unit of providing an audio signal under the control of the processor unit, and the processor unit is capable of manipulating the audio signal based on signals from the touch sensor units (Fig. 2 "sound card" 42 and [0031]; see also [0043]); wherein the system further comprises a payment unit, and the processor unit accounts transactions of each player (Figs. 1A and 1B and [0027]); wherein the payment unit comprises a notes reader ("notes" [0027]); wherein the system is operable under an automatic mode without a human controller, a semi-automatic mode with a human controller, and manually controllable by a human controller (Jones discloses a motion detector which detects movement by a player and can take the machine out of an attract mode [0010] and detect a movement by a player to actuate a game event to occur [0010] and further recognize game inputs by a human controller using "input devices" 44 [0032]).

7. Claims 21-22 and 37-38 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jones in view of Colin and Henckel and further in view of Sasaki.

In Reference to Claims 21 and 22

Jones as modified by Colin and Henckel discloses a system substantially equivalent to Applicant's claimed invention. However, Jones as modified by Colin and Henckel fails to disclose wherein the processing unit generates an imaginary elongated member for mapping a portion of the playing cards where the continuous touch movements acted thereon, which member perpendicular to a direction of the continuous touch movements.

Sasaki teaches of a system for effecting a transformation of a video image (Title) wherein the processing unit generates an imaginary elongated member for mapping a portion of the playing cards where the continuous touch movements acted thereon, which member perpendicular to a direction of the continuous touch movements and wherein the imaginary elongated member is an imaginary cylinder (Fig. 7 "cylindrical image"...A construction on the screen in this case can provide a visual effect such that an image represented by a piece of paper can be visualized as if it were gradually turned over" Col. 4 Lines 7-25) in order to provide a three dimentional "page turn-over effect" (Col. 1 Lines 35-40 and Col. 2 Lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the page turn-over effect and cylinder as taught by Sasaki into the teachings of Jones as modified by Colin and Henckel in order to provide a three dimensional "page turn-over effect" (Col. 1 Lines 35-40 and Col. 2 Lines 1-4).

In Reference to Claims 37 and 38

See rejection of Claims 20-22.

8. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Colin and Henckel and further in view of Rose.

Jones as modified by Colin and Henckel discloses a system substantially equivalent to Applicant's claimed invention. However, Jones as modified by Colin and Henckel fails to disclose wherein the set of functional areas comprises a chip holding area and a betting area; wherein the processor instructs the removal of a chip from display in the chip holding area and display of the chip in tile betting area as a result of a single touch detected in the chip holding area through tile touch sensor unit, followed by a touch detected in the betting area; and wherein the processor instructs the removal of another chip of the same value from display in the chip holding area and display of the chip in the betting area as a result of a subsequent single touch detected in the betting area.

Rose teaches of a touch screen device wherein the screen has a chip holding area and a betting area and wherein chips may be moved of the same value by the gestures made by the screen operator (Fig. 8 and [0051-0052; see also 0012-0014]) in order to provide a remote control having a touch pad that recognizes gestures performed on the touch pad for controlling on-screen games [0011].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the limitations as taught by Rose into the teachings of

Jones as modified by Colin and Henckel in order to provide a touch pad that recognizes gestures performed on the touch pad for controlling on-screen games.

9. Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Colin and Henckel and further in view of Nakamura.

Jones as modified by Colin and Henckel discloses a system substantially equivalent to Applicant's claimed invention. However, Jones as modified by Colin and Henckel fails to disclose wherein the system further comprises a dealer screen connected to the processor unit for displaying shuffling of a stack of cards and dealing of cards to the player screens and wherein a touch sensor unit associated with the dealer screen facilitates the dealer screen to function as a user interface to the processor unit.

Nakamura teaches of a dealer screen (Fig. 16 displaying a "virtual dealer" [0038]) connected to the processor unit for displaying shuffling of a stack of cards and dealing of cards to the player screens (system is capable of performing this intended use) and wherein a touch sensor unit associated with the dealer screen facilitates the dealer screen to function as a user interface to the processor unit (Nakamura teaches of a touch screen interface panel on monitor 44 [0052] to execute the game commands as stated in [0048]. Nakamura provides this system and method in order to play video card games in a closed or contained environment ([0003]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the limitations as taught by Nakamura into the teachings

of Jones as modified by Colin and Henckel in order to play video card games in a closed or contained environment.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is provided in the Notice of References Cited.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571)270-1992. The examiner can normally be reached on Monday - Friday, 7:30 a.m. - 5:00 p.m..

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Supervisory Patent Examiner, Art Unit 3714

/Paul A. D'Agostino/
Examiner, Art Unit 3714